

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

JAMES MARSHALL VANDIVER

CASE NO: 07-mj-018

I, Cathy L. Ferguson, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

From on or about January 25, 2007 through on or about February 6, 2007, in the Western District of Tennessee, and elsewhere, the defendant, JAMES MARSHALL VANDIVER, knowingly used, and caused to be used, a facility and means of interstate commerce, that is, a combined computer/telephone system, using interstate "Internet instant messages", over an interstate telephone system, to knowingly attempt to persuade, induce, entice, and coerce a 15 year old minor female, to engage in a sexual act, that is, sexual intercourse, such sexual conduct then constituting a prosecutable criminal offense under Tennessee Code Annotated (TCA) Section 39-13-506; All in violation of Title 18, United States Code, Section 2422(b).

I further state that I am a Special Agent for the Tennessee Bureau of Investigation working in conjunction with the Federal Bureau of Investigation Crimes Against Children Task Force in Memphis, Tennessee, and that this complaint is based on the following facts:

(SEE AFFIDAVIT OF SA CATHY L. FERGUSON WHICH IS ATTACHED  
HERETO AND FULLY INCORPORATED HEREIN BY REFERENCE)

Continued on the attached sheet and made a part hereof X Yes \_\_\_ No

SA Cathy L. Ferguson - TBI  
Signature of Complainant

Sworn to before me, and subscribed in my presence

Date: Feb. 6, 2007 at 1:34 pm at Memphis, Tennessee

JAMES H. ALLEN  
U.S. MAGISTRATE JUDGE  
Name & title of Judicial Officer

s/ James H. Allen

Signature of Judicial Officer

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
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**UNITED STATES OF AMERICA**

**V.**

**AFFIDAVIT**

**JAMES MARSHALL VANDIVER**

I, Cathy L. Ferguson, being duly sworn state as follows:

I am a Special Agent of the Tennessee Bureau of Investigation, and have been employed as such since January, 2006. Prior to that, I was employed by the Jackson, Tennessee, Police Department for ten (10) years achieving the rank of Investigator.

On January 1, 2007, I interviewed Amanda Egnor, a resident of Paris, Tennessee. Egnor advised that she became aware of a situation in which James Marshall Vandiver, age 28, a resident of Humboldt, Tennessee, was in contact over the Internet with K.S. a 15 year old minor female child. Both Vandiver and K.S. are mutual acquaintances of Egnor. Through her personal knowledge and such acquaintance, Egnor knows the identity of both Vandiver and K.S. and knows that K.S. is a 15 year old minor female.

Between January 25 and February 6, 2007, Egnor, posing as K.S., and utilizing the Yahoo screen name, "K\_Shafer\_69", engaged in sexually explicit Internet conversations with VANDIVER, screen name, "sandman26\_1978" utilizing the Yahoo Instant Messaging feature. On January 26, 2007, VANDIVER sent several sexually explicit photographs of himself to Egnor, posing as K.S., via the Internet. During these computer conversations, VANDIVER made arrangements to meet K.S. at 9:00 a.m. at the Walmart Supercenter in Humboldt, Tennessee, on February 6, 2007. The purpose of this meeting was for VANDIVER and K.S. to leave the Walmart parking lot and go to VANDIVER's residence, 722 North 23rd, Humboldt, TN., and to engage in sexual intercourse and oral sex. At the prescribed time, VANDIVER arrived at the Walmart parking lot driving a green 1994 Ford Escort station wagon bearing TN. license 529DKM (registered to VANDIVER). VANDIVER was confronted by myself and other investigators. VANDIVER initially denied why he was at the Walmart parking lot, but subsequently admitted he was there to meet K.S. for a sexual liaison.

Your Affiant believes that the above constitutes evidence of violation of a federal criminal statutes; specifically, Title 18, United States Code, Section 2422(b)

*CLF*

AFFIDAVIT OF Cathy L. Ferguson (continued)

Based upon the above, your Affiant is requesting issuance of a warrant for the arrest of VANDIVER.

SA Cathy L. Ferguson - TBI  
Cathy L. Ferguson  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 6<sup>th</sup> DAY OF February, 2007. at 3:34 pm

s/ James H. Allen

James H. Allen  
UNITED STATES MAGISTRATE JUDGE